

BEFORE THE

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF )  
VIOLATION ISSUED TO: )

Mr. Dave Amundsen  
AT&B, LLC  
1004 Stillwater Drive  
Rock Springs, WY 82901

DOCKET NUMBER 5591-15

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NOTICE OF VIOLATION


NOTICE IS HEREBY GIVEN THAT:

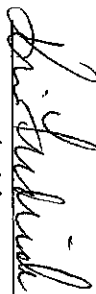
1. On May 22, 2015 the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) inspected the Lucy Estates construction site in Sweetwater County Wyoming. Concerns noted during the inspection included numerous violations of permit requirements under the Large Construction General Permit (LCGP) authorization WVR104845 issued to AT&B, LLC. AT&B has not installed effective best management practices (BMPs) to control sediment and erosion, has not stabilized disturbed slopes to prevent sediment from being transported into roadways or to surface waters of the state via storm drains, has not completed and documented required site inspections, and has not provided DEQ a storm water pollution prevention plan (SWPPP) and updated site map, which are all violations of permit requirements.
2. Sediment runoff from disturbed construction sites is pollution as defined in W.S. 35-11-103 (l). AT&B's failure to control sediment from leaving the site with effective Best Management Practices (BMP) and failure to stabilize disturbed ground and slopes is a violation of Sections 2.20 and 8.2.5 of the LCGP. These violations allowed for sediment to enter a water of the state through storm water drainage systems which is a violation of Chapter 2 of the DEQ's Water Quality Rules and Regulations.
3. AT&B has failed to meet the following requirements of the LCGP: Maintain and provide upon request a complete set of records including the LCGP, SWPPP, site map, inspection reports, and letter of authorization (LOA) which must be maintained on site and made available for review by this agency upon request. These are violations of Part 8.1.7 and Part 10.5 of the LCGP.
4. AT&B has failed to install (to manufactures specifications) and maintain storm water preventative measures throughout the life of the project to ensure no sediment enters a water of the state which includes stabilization of disturbed areas under construction or areas that are inactive for more than 14 days. These are violations of Section 2.20 and Section 8.2.5 of the LCGP.
5. AT&B has failed to submit a current SWPPP and updated site map to WQD for review. This information has been requested numerous times and to date no information has been received for review. This is a violation of LCGP requirements.
6. AT&B has failed to conduct and document inspections of the BMPs and erosion control practices on the construction site as required by Part 9 of the LCGP.
7. AT&B has failed to provide corrective actions to minimize and eliminate the erosion and sedimentation transport from numerous soil stock piles and has not removed the transported sediment from these locations which threatened to enter a water of the state. This is a violation of Section 7.4 of the LCGP.

8. Previously on September 29, 2014 the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) inspected the Lucy Estates construction site in Sweetwater County Wyoming. Concerns noted during the inspection included numerous violations of permit requirements under the Large Construction General Permit (LCGP) authorization WYR104845. AT&B failed to install effective best management practices (BMPs) to control sediment and erosion, had not stabilized disturbed slopes to prevent sediment from being transported into roadways or to surface waters of the state via storm drains, had not completed required site inspections, and had not provided DEQ an approved storm water pollution prevention plan and updated site map, which are all permit requirements.
9. The DEQ issued a Letter of Violation (LOV), dated October 10, 2014, along with a copy of the inspection report which stipulated 10 different corrective action items to be completed by your company and requested a written response within 30 days of the date of the letter. AT&B failed to submit all the requested information and complete the corrective actions required by DEQ. To date the requested information and corrective actions has not been submitted or completed by AT&B.
10. Pursuant to Wyoming Statute 35-11-901(a), any person who violates, or any director, officer or agent of a corporate permittee who willingly and knowingly authorizes, orders or carries out the violation of any provision of the Environmental Quality Act (Act), or any rule, regulation, standard or permit adopted hereunder or who violates any determination or order of the council pursuant to this act or any rule, regulation, standard, permit, license or variance is subject to a penalty not to exceed ten thousand dollars and no cents (\$10,000.00) for each violation for each day during which the violation continues, a temporary or permanent injunction, or both a penalty and an injunction. The penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming. Nothing herein shall preclude the DEQ from negotiating stipulated settlements involving the payment of a penalty, implementation of compliance schedules or other settlement conditions.

**NOTHING IN THIS NOTICE OF VIOLATION (NOV)** shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV be interpreted as being a condition precedent to any other enforcement action.

Signed this 5<sup>th</sup> day of August, 2015.

  
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Todd Parfitt  
Director  
Department of Environmental Quality

  
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Kevin Frederick  
Administrator  
Water Quality Division

**PLEASE DIRECT ALL INQUIRIES TO:** Kevin M. Wells WYPDES Natural Resource Program Supervisor,  
Wyoming Department of Environmental Quality, Water Quality Division, Herschler Building, 4<sup>th</sup> Floor  
West, 122 West 25<sup>th</sup> Street, Cheyenne, Wyoming 82002. Telephone 307-777-8669.

TP/KF/KMW/bb/15-0654

cc: Kacy Sable, 8ENF-W-NP, EPA Region 8 (PDF)  
Jim Eisenhauer, WYPDES Inspection Program Coordinator, Sheridan DEQ Office (PDF)  
Bill J. Dirienzo ► Kevin M. Wells (PDF)  
IPS (for scanning) ► Docket 5591-15  
Landon Brown, DEQ Public Outreach (PDF File)  
Connie Osborne, DEQ Admin (PDF signed copy)